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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Lea Antony Ashfield

Appln. No.: 10/674,852

Filed: September 29, 2003

For: Battery Operated Chain Saw

Attorney Docket No: 11495/111 (LGG 0185 PUS)

Examiner: Issac Hamilton

Art Unit: 3724

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Appeal Brief (deposit account debited \$500 (Appeal fee));
- ☒ Return Receipt Postcard

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Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
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	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
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Fee payment:

- ☐ Checks in the amounts of \$ are enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$500. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

11/22/06
Date

Respectfully submitted,

Stephen G. Smith (Reg. No. 56,250)

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Our Case No. 11495-111
(LGG 0185 PUS)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Lea Antony Ashfield)	
)	Examiner: Issac Hamilton
Serial No. 10/674,852)	
)	Group Art Unit No. 3724
Filing Date: September 29, 2003)	
)	
For: Battery Operated Chain Saw)	

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In accordance with the final rejection of pending claims 1-10 and 12-20 mailed on June 2, 2006, Appellant has filed this appeal brief. Appellant previously filed a Pre-Appeal Brief Request for Review on August 25, 2006 along with a notice of appeal. The United States Patent & Trademark Office mailed its decision on November 3, 2006 sending this case to the Board of Patent Appeals and Interferences for review. This brief is timely filed within one month from the mailing date of the Pre-Appeal Conference decision.

11/27/2006 RMEBRAHT 00000016 231925 10674852

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This is an appeal from the final rejection of all pending claims in the final Office Action dated June 2, 2006. This brief is timely filed within one month of the November 3, 2006 mailing date of the Notice of Panel Decision from the Pre-Appeal Review.

I. Real Party in Interest

The real party in interest is the assignee of this application, Homelite Technologies, Limited, of Hamilton, Bermuda.

II. Related Appeals and Interferences

There are no related appeals or interferences that would affect, be affected by, or have a bearing upon, the Board's decision in the present appeal.

III. Status of Claims

Claims 1-10 and 12-20 are pending in this application and have been finally rejected. The rejection of Claims 1-10 and 12-20 are hereby appealed. A copy of the claims is provided in Section VIII.

IV. Status of Amendments

The last Amendment filed in this case was transmitted by the Appellant on March 1, 2006 and received by the USPTO on March 3, 2006, in response to the non-final office action mailed on December 1, 2005. The Amendment was entered according to the Final Rejection mailed on June 2, 2006.

V. Summary of Claimed Subject Matter

An understanding of the inventions of independent claims 1, 6, 10, and 20 and subsequent dependent claims 2-5, 7-9, and 12-19 can be made upon a review of the embodiments of the invention, as best shown in FIGs. 3 and 4. These figures illustrate a chain saw that includes a removable power pack (48) that includes a rechargeable battery to provide electrical current for operation of the tool. FIGs. 1, 3-4; p. 6, ll. 4-5. Specifically, a chain saw (40) includes a motor (44), the power pack

(46), and a saw chain (48) that moves around a chain bar (52). FIGs. 3-4; p. 5, ll. 1-4. The frame (42) forms a front handle (62) and a rear handle (64). FIGs. 3-4; p. 5, ll. 11-16. The battery receiving area (76) is provided beneath, partially in front of, or proximate the front handle (62) such that the removable power pack (46) is located in these positions during operation of the chain saw. FIGs. 3-4; p. 5, ll. 26-30; p. 6, ll. 8-13; p. 7, ll. 5-10, p. 8, ll. 4-9. The specification discusses the benefits of providing the power pack (46) in this position, specifically to reduce or eliminate the kick back when the saw teeth encounter a foreign object, as shown in FIG. 2. Page 8, ll. 4-9.

VI. Grounds of Rejection to be Reviewed on Appeal

The issues on appeal are whether there was error in the final rejection of claims 1, 4-6, 10, 14-16, and 20 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. D408,246 to Juratovac ("Juratovac"), whether there was error in the final rejection of claims 2-3 and 12-13 under 35 U.S.C. §103(a) based on Juratovac in view of U.S. Patent No. 5,016,355 to Gassen ("Gassen"), whether there was error in the final rejection of claims 9 and 19 under 35 U.S.C. § 103(a) based on Juratovac in view of U.S. Patent No. 5,213,913 to Anthony, III ("Anthony"), and whether there was error in rejecting claims 7, 8, 17, and 18 under 35 U.S.C. §103(a) over Juratovac.

VII. Argument

Appellants request that the Board reverse the final rejection of Claims 1-10 and 12-20 in the application, for at least the reason that the cited references do not teach or render obvious all the limitations of the claims. Arguments for specific claim groups are presented in the separate headings below; each claim presented in a separate heading is meant to be considered separately.

A. Rejection Under 35 U.S.C. § 102(b) over U.S. Patent No. D408,246

Claims 1, 4-6, 10, 14-16, and 20 are rejected under 35 U.S.C. §102(b) over Juratovac. These rejections are discussed below.

i. Claims 1 and 5

The rejection of claims 1 and 5 as anticipated under 35 U.S.C. § 102(b) by Juratovac is erroneous and should be reversed. The rejection states that Juratovac discloses a battery operated chain saw with a motor enclosed within the vented housing shown in the figures and that the oval member behind the vented housing is a removable battery. See Office Action dated June 2, 2006, p. 2. The rejection further states that the center of gravity of Juratovac is located at least partially beneath and at least partially in front of the front handle. See Office Action, p. 2, with reference to Office Action dated December 1, 2006, p. 2. Appellant respectfully disagrees.

Juratovac is a *design* patent for a "Housing for a Battery Operated Chainsaw" and depicts the claimed ornamental design of the chain saw. The Examiner improperly reads more structure into Juratovac than can be reasonably discerned from a fair reading (and without the improper hindsight benefit of the as-filed specification of the application currently under appeal). See *In re Rouffet*, 149 F.3d 1350, 1358 (Fed. Cir. 1998). A reference anticipates a claim only to the extent that the reference provides an enabling disclosure of the claimed subject matter. See *In re Donohue*, 766 F.2d 531 (Fed. Cir. 1985); *Paperless Accounting, Inc. v. Bay Area Rapid Transit System*, 804 F.2d 659 (Fed. Cir. 1986); *Merck & Co. v. Teva Pharmaceutical USA, Inc.*, 347 F.3d 1367, 1372 (Fed Cir. 2003). A design patent, like all other types of prior art can be used to reject a claim based on what it provides an enabling disclosure for, and nothing more. While the Examiner argues that the oval structure best shown in FIGs. 1 and 4 of Juratovac is a battery and power pack, and that the electric motor lies within the vented motor housing adjacent to the oval-shaped battery, Juratovac only discloses that a battery is included somewhere within the tool. The structure that forms the motor and the battery in Juratovac is unknown because it is not shown and, of course, not described. Moreover, Juratovac does not disclose the claimed position of the center-of-gravity. Indeed, it is silent as to this required feature.

Assuming *arguendo* that the Examiner's conclusion that Juratovac discloses an oval shaped battery and a motor within the vented housing is correct, one of skill in

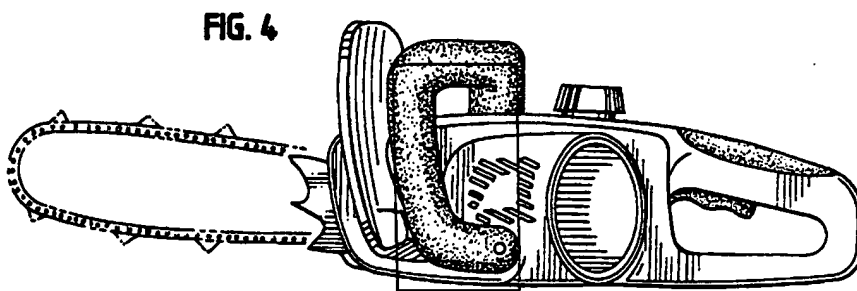
the art would not be able to determine the precise position of the Juratovac center-of-gravity. If forced to make an educated guess, one of ordinary skill in the art would guess that the center-of-gravity is behind the front handle and not in the claimed position of at least partially beneath or at least partially in front of the front handle, as required by the claim.

A relevant dictionary definition of the term "center of gravity" is "1) center of mass 2) the point at which the entire weight of a body may be considered as concentrated so that if supported at this point the body would remain in equilibrium in any position." *Merriam-Webster's Collegiate Dictionary*, Eleventh Edition, p. 200, 2003. A copy of this definition is provided in the materials provided at Appendix IX. This definition is consistent with the use of the term in the as-filed specification. See specification, paragraphs [0016] and [0022] to [0024]. For example, the specification states that "[t]he disadvantage of having the power pack inserted behind the rear handle is that the center-of-gravity of the chain saw is behind the front handle. Thus, when kick back occurs during operation, the rearwardly located center-of-gravity will amplify the kick back action." As filed specification, paragraph [0005].

Juratovac does not disclose or suggest where its center-of-gravity is located, much less that the front to rear center-of-gravity is at least partially beneath the front handle or at least partially in front of the front handle. Determining where the center-of-gravity of the Juratovac chain saw is actually located would require an understanding of the different weights and sizes of the various components, and a precise understanding of the relative position of each component with respect to the remaining components. The Juratovac design patent drawings show that the chain saw includes several components (and the title discloses that the chain saw is, in fact, battery powered), but Juratovac cannot rationally be interpreted to disclose the specific location of the center-of-gravity, let alone that it is located at the claimed position.

A relevant dictionary definition of the term "beneath" is "directly under: underneath." *Merriam-Webster's Collegiate Dictionary*, Eleventh Edition, p. 113, 2003. A copy of this definition is provided in the materials attached at Appendix IX. Contrary to the Examiner's notations made on Diagram 1 on page 3 of the June 2, 2006 Office Action, the range of potential positions that are beneath the front handle

are not along substantially the entire length of the chain saw. One of ordinary skill in the art would not consider many of these points included within the diagram to be remotely close to the region of potential locations of the claimed center of gravity. In contrast, the range of potential locations beneath the front handle are shown within the red box inscribed on the copy of FIG. 4 of Juratovac provided below.



The two components that normally have the largest mass in a battery powered chain saw are the motor and the battery. These components generally have the largest impact on the location of the center-of-gravity of the chain saw. As interpreted by the Examiner, the Juratovac battery is completely behind the front handle and a portion of the motor is also behind and spaced from the front handle. Additionally, a significant portion of the housing, including the knob at the top of the housing, the rear handle, the trigger, among others are positioned behind the front handle and at a relatively long distance from the front handle. There is little structure provided in front of the front handle (only a guard, the chain bar, and a majority of the chain) to counteract the moments created by the structure located completely behind the front handle. According, because there is a significant amount of structure in the Juratovac chain saw located completely behind the front handle, contrary to the Examiner's statements on p. 4 of the final Office Action dated June 2, 2006, one of ordinary skill in the art would interpret the Juratovac center-of-gravity to be behind the front handle.

Juratovac does not disclose or suggest the claimed center-of-gravity location. Moreover, one of ordinary skill in the art would likely conclude that the Juratovac chain saw center-of-gravity is located behind the front handle. Therefore, Appellant respectfully submits that the rejection of claim 1 based on Juratovac should be

reversed. The rejection of claim 5 is erroneous by virtue of claim 5's dependence from claim 1.

ii. Claim 4

The rejection of claim 4 as anticipated by Juratovac is erroneous. Because claim 4 depends from claim 1, this rejection is erroneous for the reasons discussed above with respect to claim 1. Additionally, Juratovac does not disclose or suggest that the housing forms a battery receiving area located beneath the front handle. The Examiner states that the Juratovac battery is the oval structure provided behind the vented portion of the housing. With reference to the arguments presented with respect to claim 1, above, the oval shaped structure (assuming *arguendo* that this is the Juratovac battery) is provided completely behind the front handle, and therefore cannot also be *beneath* the front handle, as required by this claim. While the entire "battery" cannot be seen in Juratovac (i.e. the portion of this "battery" that extends within the housing is not shown), Juratovac does not disclose or suggest that the "battery" or any portion of it is beneath the front handle, as required by the claim. Because Juratovac does not disclose all of the limitations of claim 4, the rejection of claim 4 is erroneous.

iii. Claim 6

The rejection of claim 6 as anticipated by Juratovac is erroneous. The rejection states that Juratovac discloses that its center-of-gravity is at least partially beneath or at least partially in front of the front handle. See Office Action dated June 2, 2006, p. 2 with reference to Office Action dated December 1, 2005, p. 2. While the rejection does not specifically state that Juratovac discloses that its center-of-gravity is proximate the front handle, as claimed, Appellant assumes that the Examiner considers the alleged disclosure that Juratovac's center-of-gravity is at least partially beneath or at least partially in front of the front handle to be consistent with an alleged disclosure that the center-of-gravity is proximate the front handle. Appellant respectfully submits that the rejection of claim 6 is erroneous because Juratovac does not provide an enabling disclosure of its center-of-gravity. See *In re Donohue*, 766 F.2d 531 (Fed. Cir. 1985); *Paperless Accounting, Inc. v. Bay Area Rapid Transit System*, 804 F.2d 659 (Fed. Cir. 1986); *Merck & Co. v. Teva Pharmaceutical USA*,

Inc., 347 F.3d 1367, 1372 (Fed Cir. 2003). As discussed above with respect to claim 1, Juratovac's alleged "battery" is located a significant distance behind the front handle, as are several structural components of the chain saw, such as a large portion of the housing, the cap, the trigger, and the rear handle, among others.

While it is impossible to tell for certain when viewing Juratovac's figures (and without knowledge of the materials used to form the components of Juratovac and the components enclosed within the Juratovac housing), it is likely that one of ordinary skill in the art would conclude that the center-of-gravity is located well behind the front handle, and not in the proximity of the front handle, as claimed. A relevant dictionary definition of "proximate" is "very near: close." *Merriam-Webster's Collegiate Dictionary*, Eleventh Edition, p. 1002, 2003. A copy of this definition is provided in the materials provided in Appendix IX. The specification uses the term consistently with this definition. While one of ordinary skill in the art would appreciate that the center-of-gravity is, by definition, at some point on the chain saw, Juratovac does not disclose or suggest that the center-of-gravity is very near or proximate the front handle.

Juratovac also does not disclose or suggest a battery that is removeably connected to the frame of the chain saw. Juratovac simply discloses that the claimed chain saw is battery powered, but does not disclose any other specifics regarding the location or operation of the battery. Even if the oval structure identified by the Examiner would be understood by those of ordinary skill in the art to be the Juratovac battery, one of ordinary skill in the art would not understand that the "battery" is removeably connected to the chain saw frame. The Juratovac "battery," which is best shown in FIGs. 1, 3, and 4, does not include any structure that can be used for insertion and removal of the battery. Specifically, if the "battery" was removable, it is likely that a latch or similar structure would be provided on the chain saw to prevent the "battery" from inadvertently falling out or being ejected from the chain saw during operation depending on the orientation that the chain saw was being held in. The absence of such a latch would lead one of ordinary skill in the art to believe that the "battery" is permanently mounted to the Juratovac tool.

Accordingly, because Juratovac does not provide an enabling disclosure of all of the limitations of claim 6, Appellant respectfully submits that this rejection is erroneous and should be reversed.

iv. Claims 10, 15, and 16

The rejection of claim 10 as anticipated by Juratovac is erroneous. The rejection states that Juratovac discloses that the center-of-gravity of the disclosed chain saw is at least partially beneath or at least partially in front of the front handle. See Office Action dated June 2, 2006, p. 2 with reference to Office Action dated December 1, 2005, p. 2. Because the Examiner rejected claim 10 using this argument, Appellant assumes that the Examiner believes that Juratovac additionally discloses that the front-to-rear center-of-gravity is proximate the front handle, as claimed.

Juratovac also does not disclose or suggest that the power pack is removeably connected to the frame of the chain saw. Juratovac simply discloses that the claimed chain saw is battery powered, but does not disclose any other specifics regarding the location or operation of the battery. Even if the oval structure identified by the Examiner would be understood by those of ordinary skill in the art to be the Juratovac battery, one of ordinary skill in the art would not understand that the "battery" is removeably connected to the chain saw frame. The Juratovac "battery," which is best shown in FIGs. 1, 3, and 4, does not include any structure that can be used to insert and remove the battery. Specifically, if the "battery" was removable, it is likely that a latch or similar structure would be provided on the chain saw to prevent the "battery" from inadvertently falling out or being ejected from the chain saw during operation depending on the orientation that the chain saw was being held in. Because no such latch is shown or disclosed, one of ordinary skill in the art would believe that the "battery" is permanently mounted to the tool.

Because Juratovac does not provide an enabling disclosure of all of the limitations of claim 10, the rejection of claim 10 is erroneous and should be reversed. The rejection of claims 15 and 16 are erroneous by virtue of their dependence from claim 10.

v. Claim 14

The rejection of claim 14 as anticipated by Juratovac is erroneous. Initially, because claim 14 depends from claim 10, Appellant submits that this rejection is erroneous for the reasons discussed with respect to claim 10. Further, Juratovac does not disclose or suggest that the housing forms a battery receiving area located at least partially beneath the front handle. The Examiner states that the Juratovac battery is the oval structure provided behind the vented portion of the housing. With reference to the arguments presented with respect to claims 10 and 4 (which depends from claim 1), the oval shaped structure (assuming *arguendo* that this is the Juratovac battery) is provided completely behind the front handle, and therefore cannot also be *beneath* the front handle as required by this claim. While the entire Juratovac "battery" cannot be seen in the figures (i.e. the shape of the portion of the "battery" that extends within the housing is unknown), Juratovac does not disclose or suggest that this "battery" includes any portion that is beneath the front handle, as claimed. Because Juratovac does not provide an enabling disclosure of all of the limitations of claim 14, the rejection of claim 14 is erroneous and should be reversed.

vi. Claim 20

The rejection of claim 20 as anticipated by Juratovac is erroneous. The claim requires a power pack removeably connected to the frame at least partially in front of the front handle. Initially, as discussed above with respect to claims 6 and 10, Juratovac does not disclose or suggest that the battery is removable. Further, as best shown in FIG. 4 of Juratovac, the "battery" (assuming *arguendo* that the oval member behind the vented portion of the housing is the battery) is located completely behind the front handle.

In the final Office Action dated June 2, 2006, the Examiner argues that the power pack of the subject disclosure could be at least partially in front of the front handle when the front-to-rear centerline of the chain saw is in an inclined or vertical position, such as when sawing over his head. Office Action dated June 2, 2006, p. 5. The Appellant respectfully disagrees. The position of the power pack must be read with reference to the specification, as is required using standard claim interpretation principles. See *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313, 1316 (Fed. Cir. 2005)(en

banc). The specification discloses the location of the components of the chain saw as shown in FIGs. 1 and 3-4, where the front-to-rear centerline of the chain saw is shown to be substantially horizontal. A reasonable reading of the claim limitations (as would be done by one of ordinary skill in the art) yields the conclusion that the claim terms refer to the saw in its normal horizontal position, and not a different position. Further, as best shown in FIG. 4 with reference to paragraph [0020] a front end (80) of the power pack (46) is inserted into the battery receiving area (76) to electrically couple the power pack to the electric motor (44). The battery receiving area (76) is below the front handle (62) such that the power pack is at least partially in front of the front handle (62). This limitation is adequately described and shown in the as-filed specification in accordance with the requirements of 35 U.S.C. § 112, first paragraph.

Accordingly, Juratovac cannot anticipate claim 20. The disclosed "battery" is fully behind the front handle and cannot logically also be in front of the front handle, because these are two opposite locations. For at least these reasons, the rejection of claim 20 based on Juratovac is erroneous and should be reversed.

B. Rejection Under 35 U.S.C. § 103(a) over U.S. Patent No. D408,246

i. Claims 7, 8, 17, and 18

The rejection of claims 7, 8, 17, and 18 as obvious over Juratovac is erroneous. Initially, Juratovac does not disclose or suggest all of the limitations of the claim 1 and 10, as discussed above. Additionally, with respect to claims 7 and 8, Juratovac does not disclose or suggest that Juratovac's battery is removable from the Juratovac housing, as required by these claims. Juratovac simply discloses that the claimed chain saw is battery powered, but provides no enabling disclosure of any other specifics regarding the location or operation of the battery.

Even if the oval structure in Juratovac would be understood by those of ordinary skill in the art to be the Juratovac battery, one of ordinary skill in the art would not understand that the "battery" is removeably connected to the chain saw frame. The Juratovac "battery," which is best shown in FIGs. 1, 3, and 4, does not include any structure that can be used to allow for insertion and removal of the battery. Specifically, if the "battery" was removable, it is likely that a latch or similar structure

would be provided on the chain saw to prevent it from inadvertently falling out or being ejected from the chain saw during operation depending on the orientation that the chain saw was operated. The absence of such a latch would lead one of ordinary skill in the art to believe that the "battery" is permanently mounted to the Juratovac tool. Because there is no indication in Juratovac that the battery is removable, nor that a removable battery is beneficial, there is no motivation to modify Juratovac to provide a removable battery.

Further, Juratovac does not provide an enabling disclosure of any potential location for the electrical coupling of the Juratovac battery, nor is there any motivation to modify the design of its battery with an electrical coupling that is not located on a lateral side of the power pack (as in claims 7 and 17) or that the electrical coupling faces a forward direction of the chain saw (as in claims 8 and 18). Appellant submits that it is reasonable to conclude that Juratovac's battery includes some sort of electrical coupling to allow current to flow from the battery to the motor, but it is impossible to determine from Juratovac's disclosure where this electrical coupling would be located. Specifically, there is no motivation to modify Juratovac's electrical coupling to be in the claimed locations without improper hindsight reference to the specification of the subject patent application. Because Juratovac does not disclose or suggest the limitations of these claims, or provide any motivation to modify Juratovac to obtain the claimed structure, the rejection of claims 7, 8, 17, and 18 is erroneous and should be reversed.

C. Rejections under 35 U.S.C. § 103(a) based on U.S. Patent No. D408,246 in view of U.S. Patent No. 5,016,355

The rejection of claims 2, 3, 12, and 13 as obvious over Juratovac in view of Gassen is erroneous. As discussed above with respect to independent claims 1 and 10, Juratovac does not disclose all of the limitations of these claims. Modifying Juratovac in view of Gassen to provide the claimed housing still does not cure the deficiencies of Juratovac. Simply put, Juratovac does not disclose or suggest the required center-of-gravity. Gassen is silent with respect to this feature. Therefore, the combination cannot and does not teach or suggest this feature. The obviousness rejection of dependent claims 2-3 and 12-13 is erroneous and should be reversed.

D. Rejections under 35 U.S.C. § 103(a) based on U.S. Patent No. D408,246 in view of U.S. Patent No. 5,213,913

The rejection of claims 9 and 19 as obvious over a combination of Juratovac and Anthony is erroneous. As discussed above with respect to the analysis of claims 1 and 10, Juratovac does not provide an enabling disclosure of all of the limitations of these claims. Even if *arguendo* Juratovac and Anthony could be properly combined, the combination does not disclose or suggest the position of the center-of-gravity of the chain saw as required by claims 1 and 10, respectively. The rejection is erroneous because the Examiner did not establish *prima facie* case of obviousness. There is no motivation to modify Juratovac to provide the latch of Anthony because such a latch is or may not be necessary. Juratovac does not disclose a removable battery. Instead, Juratovac is silent (as it must be) with respect to the removability of the battery. Accordingly, the obviousness rejection of claims 9 and 19 is erroneous and should be reversed.

In view of the above remarks, Appellants submit that the claimed invention is patentable in view of the cited references of record. Appellants therefore request reversal of the rejections of Claims 1-10 and 12-20.

Respectfully submitted,



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VIII. Claims Appendix

1. A battery operated chain saw comprising:

a frame comprising a housing and a chain bar, wherein the frame forms a front handle and a rear handle;

an electric motor connected to the frame; and

a battery coupled to the electric motor,

wherein the battery is located at a position on the frame proximate the front handle; and wherein the battery is located on the frame to provide a front-to-rear chain saw center-of-gravity located at least partially beneath or at least partially in front of the front handle.

2. A battery operated chain saw as in claim 1 wherein the frame comprises molded polymer members forming housing members connected to each other to form the housing, front handle and rear handle.

3. A battery operated chain saw as in claim 2 wherein the housing members form a guard connected to the front handle and extending in front of the front handle.

4. A battery operated chain saw as in claim 1 wherein the housing forms a battery receiving area located beneath the front handle.

5. A battery operated chain saw as in claim 1 wherein the housing forms a battery receiving area located at a lateral side of a portion of the housing which houses a drive which connects the motor to a saw chain of the chain bar.

6. A battery operated chain saw comprising:

a frame comprising a housing and a chain bar, wherein the frame forms a front handle and a rear handle;

an electric motor connected to the frame; and

a battery coupled to the electric motor,

wherein the battery is located at a position on the frame proximate the front handle to provide a front-to-rear chain saw center-of-gravity located proximate the front handle, and

wherein the battery is removably connected to the frame proximate a section of the housing which houses the electric motor at least partially behind the electric motor.

7. A battery operated chain saw as in claim 1 wherein the battery is housed in a removable power pack, and wherein the power pack is located spaced from a front-to-rear centerline of the frame located along the chain bar, and wherein the power pack comprises an electrical coupling side which is not located on a lateral side of the power pack.

8. A battery operated chain saw as in claim 1 wherein the battery is housed in a removable power pack, and wherein the power pack is removably

connected to the frame proximate a lateral side of the frame proximate the front handle, and wherein the power pack comprises an electrical coupling side facing a forward direction of the chain saw.

9. A battery operated chain saw as in claim 1 wherein the battery is housed in a removable power pack, and wherein the power pack comprises a mechanical connection latch adapted to be contacted and moved by a user, and wherein the latch is not located on a lateral side of the power pack.

10. A chain saw comprising:

a frame comprising a housing and a chain bar, wherein the frame forms a front handle and a rear handle;

an electric motor connected to the frame; and

a power pack coupled to the electric motor, wherein the power pack is removably connected to the frame proximate a lateral side of the frame, and at least partially below the front handle, further comprising means for providing a front-to-rear chain saw center-of-gravity located proximate the front handle.

11. (Cancelled)

12. A chain saw as in claim 10 wherein the frame comprises molded polymer members forming housing members connected to each other to form the housing, front handle and rear handle.

13. A chain saw as in claim 12 wherein the housing members form a guard connected to the front handle and extending in front of the front handle.

14. A chain saw as in claim 10 wherein the housing forms a battery receiving area located at least partially beneath the front handle.

15. A chain saw as in claim 10 wherein the housing forms a battery receiving area located at a lateral side of a portion of the housing which houses a drive which connects the motor to a saw chain of the chain bar.

16. A chain saw as in claim 10 wherein the battery is removably connected to the frame proximate a section of the housing which houses the electric motor.

17. A chain saw as in claim 10 wherein the power pack is located spaced from a front-to-rear centerline of the frame located along the chain bar, and wherein the power pack comprises an electrical coupling side which is not located on a lateral side of the power pack.

18. A chain saw as in claim 10 wherein the power pack is removably connected to the frame proximate a lateral side of the frame, and wherein the power pack comprises an electrical coupling side facing a forward direction of the chain saw.

19. A chain saw as in claim 10 wherein the power pack comprises a mechanical connection latch adapted to be contacted and moved by a user, wherein the latch is not located on a lateral side of the power pack.

20. A chain saw comprising:

a frame comprising a housing and a chain bar, wherein the frame forms a front handle and a rear handle;

an electric motor connected to the frame; and

a power pack removably connected to the frame proximate a lateral side of the frame and at least partially in front of the front handle, wherein the power pack is located entirely spaced from a front-to-rear centerline of the frame located along the chain bar.

Appl. No. 10/674,852
Notice of Appeal Filed August 25, 2006

Attorney Docket 11495-111
Client Reference No. LGG 0185 PUS

IX. Evidence Appendix

Merriam- Webster's Collegiate[®] Dictionary

ELEVENTH
EDITION



Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.



A GENUINE MERRIAM-WEBSTER

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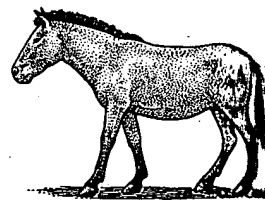
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23

- ce-men-ta-tion** \sē-men-'tā-shən/ *n* (1594) 1: a process of surrounding a solid with a powder and heating the whole so that the solid is changed by chemical combination with the powder 2: the act or process of cementing: the state of being cemented
- ce-ment-ite** \si-'men-'tīt/ *n* ['cement] (1888): a hard brittle iron carbide Fe_3C that occurs in steel, cast iron, and iron-carbon alloys
- ce-men-ti-tious** \sē-men-'tī-shəs/ *adj* (ca. 1828): having the properties of cement
- ce-men-tum** \si-'men-'təm/ *n* [NL, fr. *L. caementum*] (1842): a specialized bony layer of connective tissue covering the dentin of the part of a tooth normally within the gum — see TOOTH illustration
- cem-e-tery** \se-mə-'ter-ē-, -tē-rē/ *n*, *pl* -ter-ies [ME *cimiteri*, fr. AF *ciméterie*, fr. LL *coemeterium*, fr. Gk *kōimētērion* sleeping chamber, burial place, fr. *kōimān* to put to sleep; akin to Gk *keisthai* to lie, Skt *śete* he lies] (15c): a burial ground
- CEMF** *abbr* counter electromotive force
- cen-a-cle** \se-ni-'kəl/ [LL *cenaculum* the room where Christ and his disciples had the Last Supper, fr. *L.* top story, prob. fr. *cena* dinner] (1889): a retreat house; esp.: one for Roman Catholic women directed by nuns of the Society of Our Lady of the Cenacle
- cene** *adj comb form* [Gk *kainos* new, recent — more at RECENT]: recent — in names of geologic periods [Eocene]
- ce-no-bite** also **ce-no-bitte** \se-nə-'bit, -'bīt/ *n* [LL *coenobita*, fr. *coenobium* monastery, fr. LGk *koinobion*, ultim. fr. Gk *koin-* coen- + *bios* life — more at QUICK] (15c): a member of a religious group living together in a monastic community — **ce-no-bit-ic** \se-nə-'bi-tik, -'sē-/ *adj*
- ce-no-taph** \se-nə-'taf, -'tāf/ *n* [F *cénotaphe*, fr. *L. cenotaphium*, fr. Gk *kenotaphion*, fr. *kenos* empty + *taphos* tomb] (1578): a tomb or a monument erected in honor of a person or group of persons whose remains are elsewhere
- ce-no-te** \si-'nō-tē/ *n* [MexSp, fr. Yucatec *ts'onot*] (1841): a deep sinkhole in limestone with a pool at the bottom that is found esp. in Yucatán
- ce-no-zo-ic** \se-nə-'zō-ik, -'sē-/ *adj* [Gk *kainos* + *E-zoic*] (1841): of, relating to, or being an era of geological history that extends from the beginning of the Tertiary period to the present time and is marked by a rapid evolution of mammals and birds and of angiosperms and esp. grasses and by little change in the invertebrates; also: relating to the corresponding system of rocks — see GEOLOGIC TIME table — **Ceno-zoic** *n*
- cense** \sen(t)s/ *v* **censed**; **cens-ing** [ME, prob. short for *encensere* to offer incense, fr. AF *encenser*, fr. LL *incensare*, fr. *incensum* incense] (14c): to perfume esp. with a censet
- cens-er** \sen(t)-sər/ *n* (13c): a vessel for burning incense; esp.: a covered incense burner swung on chains in a religious ritual
- cens-or** \sen(t)-sər/ *n* [L, Roman magistrate, fr. *censere* to give as one's opinion, assess; perh. akin to Skt *śamsati* he praises] (1526) 1: a person who supervises conduct and morals: as *a*: an official who examines materials (as publications or films) for objectionable matter *b*: an official (as in time of war) who reads communications (as letters) and deletes material considered sensitive or harmful 2: one of two magistrates of early Rome acting as census takers, assessors, and inspectors of morals and conduct 3: a hypothetical psychic agency that represses unacceptable notions before they reach consciousness — **cens-or-ial** \sen-'sör-ē-əl/ *adj*
- 2 censor** *v* **censored**; **cens-or-ing** \sen(t)-sə-rīŋ, -'sen(t)-s-rīŋ/ (1882): to examine in order to suppress or delete anything considered objectionable (~ the news); also: to suppress or delete as objectionable (~ out indecent passages)
- cens-or-i-ous** \sen-'sör-ē-əs/ *adj* [L *censorius* of a censor, fr. *censor*] (1536): marked by or given to censure (~ comments) (*a* ~ critic) *syn* see CRITICAL — **cens-or-i-ous-ly** *adv* — **cens-or-i-ous-ness** *n*
- cens-or-ship** \sen(t)-sər-'ship/ *n* (ca. 1591) 1: the institution, system, or practice of censoring *b*: the actions or practices of censors; esp.: censorial control exercised repressively 2: the office, power, or term of a Roman censor 3: exclusion from consciousness by the psychic censor
- cens-ur-able** \sen(t)-sh(ə)-rə-bəl/ *adj* (1634): deserving or open to censure (~ behavior)
- 1 censure** \sen(t)-shər/ *n* [L *censura*, fr. *censere*] (14c) 1: a judgment involving condemnation 2 *archaic*: OPINION, JUDGMENT 3: the act of blaming or condemning sternly 4: an official reprimand
- 2 censure** *v* **censured**; **cens-ur-ing** \sen(t)-sh(ə)-rīŋ/ (1587) 1 *obs*: ESTIMATE, JUDGE 2: to find fault with and criticize as blameworthy *syn* see CRITICIZE — **cens-ur-er** \sen(t)-shər-ər/ *n*
- cens-us** \sen(t)-səs/ *n* [L, fr. *censere*] (1634) 1: a count of the population and a property evaluation in early Rome 2: a usu. complete enumeration of a population; *specif*: a periodic governmental enumeration of population 3: COUNT, TALLY — **census** *vt*
- 1 cent** \sent/ *n* [F, hundred, fr. *L. centum* — more at HUNDRED] (1782) 1: a monetary unit equal to $\frac{1}{100}$ of a basic unit of value — see *birr*, *dollar*, *euro*, *guilder*, *leone*, *lilangeni*, *lira*, *nakfa*, *pound*, *rand*, *rupee*, *shilling* at MONEY table 2: a coin, token, or note representing one cent 3: the fen of the People's Republic of China
- 2 cent** *abbr* 1 centigrade 2 central 3 centum 4 century
- Cent** *abbr* Central
- cen-tal** \sen-'təl/ *n* [L *centum* + *E-al* (as in *quintal*)] (1870) chiefly Brit: HUNDREDWEIGHT 1
- cen-tas** \sen-'tās/ *n*, *pl* **cen-tal** -tāl or **cen-tu** -tū [Lith (nom. pl. *centai*, gen. pl. *centų*), prob. fr. F *centime* or *E cent*] (ca. 1934) — see *lit* at MONEY table
- cen-taur** \sen-'tōr/ *n* [ME, fr. *L. Centaurus*, fr. Gk *Kentauros*] (14c): any of a race of creatures fabled to be half human and half horse and to live in the mountains of Thessaly
- cen-tau-rea** \sen-'tōr-ē-/ *n* [NL, genus name, fr. ML] (ca. 1829): any of a large genus (*Centaurea*) of composite herbs (as bachelor's button) including several cultivated for their showy heads of tubular florets
- Cen-tau-rus** \-'tōr-s/ *n* [L (gen. *Centauri*)] (1870): a southern constellation between the Southern Cross and Hydra
- cen-tau-ry** \sen-'tōr-ē-/ *n*, *pl* -ries [ME *centaure*, fr. AF *centorie*, fr. ML *centaurea*, fr. *L. centaureum*, fr. Gk *kentaureion*, fr. *Kentauros*] (14c): any of a genus (*Centaureum*) of low herbs of the gentian family; esp.: an Old World herb (*C. erythraea* syn. *C. umbellatum*) that produces pink flowers and is used in herbal medicine
- 1 cen-ta-vo** \sen-'tā-(j)vō/ *n*, *pl* -vos [Sp, lit., hundredth, fr. *ciento* hundred, fr. *L. centum*] (1883) — see *boliviano*, *colón*, *córdoba*, *lempira*, *peso*, *quetzal*, *sucre* at MONEY table
- 2 cen-ta-vo** \-'tā-(j)vū, -(j)vō/ *n*, *pl* -vos [Pg, fr. Sp] (1913) — see *escudo*, *metical* at MONEY table
- cen-te-nar-i-an** \sen-'tə-'ner-ē-ən, -'ner-ē-/ *n* (1790): one that is 100 years old or older — **centenarian** *adj*
- cen-te-na-ry** \sen-'tə-'nər-ē, -'sen-tə-'nər-ē, -'ner-ē, esp Brit *sen-'tē-nə-rē*/ *n*, *pl* -ries [LL *centenarius*, fr. *L. centenarius* of a hundred, fr. *centeni* one hundred each, fr. *centum* hundred — more at HUNDRED] (1788): CENTENNIAL — **centenary** *adj*
- cen-ten-ni-al** \sen-'tē-nē-əl/ *n* [L *centum* + *E -ennial* (as in *biennial*)] (1876): a 100th anniversary or its celebration — **centennial** *adj* — **cen-ten-ni-al-ly** -l-ē-/ *adv*
- 1 cen-ter** \sen-'tər, -'se-nər/ *n* [ME *centre*, fr. MF, fr. *L. centrum*, fr. Gk *kentron* sharp point, center of a circle, fr. *kentein* to prick; prob. akin to OHG *hantiag* pointed] (14c) 1: a: the point around which a circle or sphere is described; *broadly*: a point that is related to a geometrical figure in such a way that for any point on the figure there is another point on the figure such that a straight line joining the two points is bisected by the original point — called also *center of symmetry* *b*: the center of the circle inscribed in a regular polygon 2: a: a point, area, person, or thing that is most important or pivotal in relation to an indicated activity, interest, or condition (*a* railroad ~) (*the ~ of the controversy*) *b*: a source from which something originates (*a* propaganda ~) *c*: a group of nerve cells having a common function (*respiratory ~*) *d*: a region of concentrated population (*an urban ~*) *e*: a facility providing a place for a particular activity or service (*a day-care ~*) 3: a: the middle part (as of the forehead or a stage) *b* often *cap* (1): a grouping of political figures holding moderate views esp. between those of conservatives and liberals (2): the views of such politicians (3): the adherents of such views 4: a: a player occupying a middle position on a team: as (1): the football player in the middle of a line who passes the ball between his legs to a back to start a down (2): the usu. tallest player on a basketball team who usu. plays near the basket *b*: CENTER FIELD 5: a: either of two tapered rods which support work in a lathe or grinding machine and about or with which the work revolves *b*: a conical recess in the end of work (as a shaft) for receiving such a center — **cen-ter-less** -l-əs-/ *adj*
- 2 center** *v* **centered**; **cen-ter-ing** \sen-'t(ə)-rīŋ, -'se-nər-īŋ/ *vt* (1590) 1: to place or fix at or around a center or central area or position (~ the picture on the wall) 2: to give a central focus or basis (~s her hopes on her son) (the plot was ~ed on espionage) 3: to adjust (as lenses) so that the axes coincide 4: a: to pass (a ball or puck) from either side toward the middle of the playing area *b*: to hand or pass (a football) backward between one's legs to a back to start a down 5: to play center on (~ a line in hockey) ~ *vi*: to have a specified center: FOCUS
- usage** The intransitive verb *center* is most commonly used with the prepositions *in*, *on*, *at*, and *around*. At appears to be favored in mathematical contexts; the others are found in a broad range of contexts. *Center around*, a standard idiom, has often been objected to as illogical. The logic on which the objections are based is irrelevant, since *center around* is an idiom and idioms have their own logic. *Center on* is currently more common in edited prose, and *revolve around* and similar verbs are available if you want to avoid *center around*.
- cen-ter-board** \sen-'tər-'bōrd, -'se-nər-/ *n* (1849): a retractable keel used esp. in sailboats
- cen-tered** \sen-'tərd, -'se-nərd/ *adj* (ca. 1893) 1: having a center — often used in combination (*a dark-centered coneflower*) 2: having a center of curvature — often used in combination (*a 3-centered arch*) 3: emotionally stable and secure — **cen-tered-ness** -nəs/ *n*
- center field** *n* (1857) 1: the position of the player for defending center field 2: the part of the baseball outfield between right and left field — **center fielder** *n*
- cen-ter-fold** \sen-'tər-'fōld, -'se-nər-/ *n* (1952) 1: a foldout that is the center spread of a magazine 2: a picture (as of a nude) on a center-fold; also: a model featured in such a picture
- cen-ter-line** \-'līn, -'līn/ *n* (1807): a real or imaginary line that is equidistant from the surface or sides of something
- center of curvature** (1850): the center of the circle whose center lies on the concave side of a curve on the normal to a given point of the curve and whose radius is equal to the radius of curvature at that point
- center of gravity** (1648) 1: CENTER OF MASS 2: the point at which the entire weight of a body may be considered as concentrated so that if supported at this point the body would remain in equilibrium in any position 3: CENTER 2a
- center of mass** (1862): the point in a body or system of bodies at which the whole mass may be considered as concentrated
- cen-ter-piece** \-'pēs/ *n* (1803) 1: an object occupying a central position; esp.: an adornment in the center of a table 2: one that is of central importance or interest in a larger whole (*the ~ of a political agenda*)
- center punch** *n* (1861): a hand punch consisting of a short steel bar with a hardened conical point at one end used for marking the centers of holes to be drilled
- center stage** *n* (1954) 1: the central part of a theatrical stage 2: a central or highly prominent position (*an issue that has taken center stage in the campaign*) — **center stage** *adj or adv*
- cen-tes-i-mal** \sen-'tē-sə-məl/ *adj* [L *centesimus* hundredth, fr. *centum*] (1809): marked by or relating to division into hundredths
- cen-tes-i-mo** \chen-'tē-zə-'mō/ *n*, *pl* -mi \-(j)mē/ [It] (1851): a former monetary unit equal to $\frac{1}{100}$ Italian lira
- 2 cen-tes-i-mo** \sen-'tē-sə-'mō/ *n*, *pl* -mos [Sp *centésimo*] (ca. 1883) — see *balboa*, *peso* at MONEY table
- centi- comb form** [F&L; F, hundredth, fr. *L.* hundred, fr. *centum* — more at HUNDRED] 1: hundred (*centipede*) 2: one hundredth part of (*centimeter*)
- cen-ti-grade** \sen-'tə-'grād, -'sān-/ *adj* [F, fr. *L. centi-* hundred + *F grade*] (1801): relating to, conforming to, or having a thermometric scale on which the interval between the freezing point of water and the boiling point of water is divided into 100 degrees with 0° representing the

pro-vi-so-ry \ˈvī-zə-rē, -ˈvīz-rē\ *adj* (ca. 1611) 1: containing or subject to a proviso: **CONDITIONAL** 2: **PROVISIONAL**
pro-vi-ta-min \ˈprō-ˈvī-tə-mən\ *n* (1927): a precursor of a vitamin convertible into the vitamin in an organism
Pro-vo \ˈprō-(j)vō\ *n, pl* **Provos** [*Provisional I.R.A.*, name of the faction + -o] (1971): a member of the extremist faction of the Irish Republican Army
pro-vo-ca-teur \ˈprō-vā-kə-tər\ *n* (1919) 1: **AGENT PROVOCATEUR** 2: one who provokes (a political ~)
prov-o-ca-tion \ˈprā-və-ˈkā-shən\ *n* [*ME* *provocacioun*, fr. *AF* *provocacion*, fr. *L* *provocatio*, *provocatio*, fr. *provocare*] (14c) 1: the act of provoking: **INCITEMENT** 2: something that provokes, arouses, or stimulates
pro-voc-a-tive \ˈprō-vā-kə-tiv\ *adj* (15c): serving or tending to provoke, excite, or stimulate (a ~ question) — **provocative** *n* — **pro-voc-a-tive-ly** *adv* — **pro-voc-a-tive-ness** *n*
pro-vo-ke \ˈprō-vōk\ *vt* **pro-voked**; **pro-vok-ing** [*ME*, fr. *AF* **provoker*, *provoker*, fr. *L* *provocare*, fr. *pro-* forth + *vocare* to call, fr. *voc*, *vox* voice — more at **PRO-**, **VOICE**] (14c) 1: *a* archaic: to arouse to a feeling or action *b*: to incite to anger 2: *a*: to call forth (as a feeling or action) *b*: *VOKE* (laughter) *b*: to stir up purposely (a fight) *c*: to provide the needed stimulus for (will ~ a lot of discussion) — **pro-vok-er** *n*
syn **PROVOKE**, **EXCITE**, **STIMULATE**, **PIQUE**, **QUICKEN** mean to arouse as if by pricking. **PROVOKE** directs attention to the response called forth (my stories usually *provoke* laughter). **EXCITE** implies a stirring up (moving profoundly (news that *excited* anger and frustration)). **STIMULATE** suggests a rousing out of lethargy, quiescence, or indifference (*stimulating* conversation). **PIQUE** suggests stimulating by mild irritation or challenge (that remark *piqued* my interest). **QUICKEN** implies beneficially stimulating and making active or lively (the high salary *quicken*ed her desire to have the job). **syn** see in addition **IRRITATE**
provoking *adj* (1642): causing mild anger: **ANNOYING** — **pro-vok-ing-ly** *adv* — **pro-vok-ing-ly** *adv*
pro-vo-lo-ne \ˈprō-və-lō-nē, -ˈprō-və-lōn\ *n* [It. aug. of *provola*, a kind of cheese] (1912): a usu. firm pliant often smoked cheese of Italian origin
pro-vost \ˈprō-vōst, -ˈprā-vōst, -ˈprō-vōst, *esp* attrib \ˈprō-(j)vō\ *n* [*ME*, fr. *OE* *profost* & *AF* *provost*, fr. *ML* *propositus*, alter. of *praepositus*, fr. *L*, one in charge, director, fr. *pp* of *praeposere* to place at the head — more at **PREPOSITION**] (bef. 12c) 1: the chief dignitary of a collegiate or cathedral chapter 2: the chief magistrate of a Scottish burgh 3: the keeper of a prison 4: a high-ranking university administrative officer
provost court *n* (1864): a military court usu. for the trial of minor offenses within an occupied hostile territory
provost guard *n* (1862): a police detail of soldiers under the authority of the provost marshal
provost marshal *n* (1535): an officer who supervises the military police of a command
1 **prōw** \ˈprōw\ *adj* [*ME*, fr. *AF* *pru*, *prou* — more at **PROUD**] (14c) *archaic*: **VALIANT**, **GALLANT**
2 **prōw** \ˈprōw, *archaic* \ˈprōw\ *n* [*MF* *proue*, prob. fr. *Olt* dial. *prua*, fr. *L* *prora*, fr. *Gk* *prōra*] (1555) 1: the bow of a ship: **STEM** 2: a pointed projecting front part
pro-w-ess \ˈprō-w-ess\ *adj* [*ME* *pro-ess*, fr. *AF* *pruesse*, *pro-ess*, *pro-ess*, fr. *pro-ess*] (13c) 1: distinguished bravery; *esp*: military valor and skill 2: extraordinary ability (his ~ on the football field)
1 **pro-wl** \ˈprōw\ *vb* [*ME* *prollen*] *vi* (14c): to move about or wander stealthily in or as if in search of prey ~ *vt*: to roam over in a predatory manner — **pro-wl-er** \ˈprōw-lər\ *n*
2 **pro-wl** *n* (1803): an act or instance of prowling — **on the prowl**: in the act of prowling; *also*: in search of something (his fourth wife had just left him, and he was *on the prowl* again — Mary McCarthy)
prowl car *n* (1937): **SQUAD CAR**
prox *abbr* **proximo**
prox-e-mi-cs \ˈprāk-sē-miks\ *n pl* *but sing or pl in constr* [*proximity* + *-emics* (as in *phonemics*)] (1963): the study of the nature, degree, and effect of the spatial separation individuals naturally maintain (as in various social and interpersonal situations) and of how this separation relates to environmental and cultural factors — **prox-e-mic** \ˈmīk\ *adj*
prox-i-mal \ˈprāk-sə-məl\ *adj* [*L* *proximus*] (1727) 1: situated close to: **PROXIMATE** 2: next to or nearest the point of attachment or origin, a central point, or the point of view; *esp*: located toward the center of the body — compare **DISTAL** 3: of, relating to, or being the mesial and distal surfaces of a tooth — **prox-i-mal-ly** \ˈmā-lē\ *adv*
proximal convoluted tubule *n* (ca. 1899): the convoluted portion of the vertebrate nephron that lies between Bowman's capsule and the loop of Henle and functions *esp*. in the resorption of sugar, sodium and chloride ions, and water from the glomerular filtrate — called also **proximal tubule**
prox-i-mate \ˈprāk-sə-mət\ *adj* [*L* *proximatus*, pp. of *proximare* to approach, fr. *proximus* nearest, next, superl. of *prope* near — more at **APPROACH**] (1661) 1: immediately preceding or following (as in a chain of events, causes, or effects) (the ~ rather than ultimate, goals — Reinhold Niebuhr) 2: *a*: very near: **CLOSE** *b*: soon forthcoming: **IMMINENT** — **prox-i-mate-ly** *adv* — **prox-i-mate-ness** *n*
prox-im-i-ty \ˈprāk-si-mə-tē\ *n* [*MF* *proximité*, fr. *L* *proximitas*, *proximitas*, fr. *proximus*] (15c): the quality or state of being proximate: **CLOSENESS**
proximity fuse *n* (1945): a fuse for a projectile that uses the principle of radar to detect the presence of a target within the projectile's effective range
prox-i-mo \ˈprāk-sə-mō\ *adj* [*L* *proximo* *mense* in the next month] (1855): of or occurring in the next month after the present
proxy \ˈprāk-sē\ *n, pl* **prox-ies** [*ME* *proxi*, *procucie*, contr. of *procuracie*, fr. *AF*, fr. *ML* *procuratia*, alter. of *L* *procuratio* procurator] (15c) 1: the agency, function, or office of a deputy who acts as a substitute for another 2: *a*: authority or power to act for another *b*: a document giving such authority; *specif*: a power of attorney authorizing a specified person to vote corporate stock 3: a person authorized to act for another: **PROCURATOR** — **proxy** *adj*

proxy marriage *n* (1900): a marriage celebrated in the absence of one of the contracting parties who is represented at the ceremony by a proxy
Pro-zac \ˈprō-zak\ *trademark* — used for a preparation of fluoxetine
PrP *abbr* prion protein
prude \ˈprūd\ *n* [*F*, good woman, prudish woman, short for *prudente* good woman, fr. *OF* *prude femme*] (1704): a person who is excessively or grudgingly attentive to propriety or decorum; *esp*: a woman who shows or affects extreme modesty
pru-dence \ˈprū-dəns\ *n* [*ME*, fr. *AF*, fr. *L* *prudencia*, alter. of *prudentia* — more at **PROVIDENCE**] (14c) 1: the ability to govern and discipline oneself by the use of reason 2: sagacity or shrewdness in the management of affairs 3: skill and good judgment in the use of resources 4: caution or circumspection as to danger or risk
pru-dent \ˈdnt\ *adj* [*ME*, fr. *MF*, fr. *L* *prudens*, *prudens*, contr. of *prudent*, *prudens* — more at **PROVIDENT**] (14c): characterized by arising from, or showing prudence: *as* *a*: marked by wisdom or cautiousness (an ~ advisor) *b*: shrewd in the management of practical affairs (an ~ investor) *c*: marked by circumspection: **DISCREET** — **PROVIDENT**, **FRUGAL** **syn** see **WISE** — **pru-dent-ly** *adv*
pru-den-tial \ˈprū-dən(t)shəl\ *adj* (15c) 1: of, relating to, or proceeding from prudence 2: exercising prudence *esp*. in business matters — **pru-den-tial-ly** *adv* — **pru-den(t)-sh(-ə)-ly** *adv*
pru-ery \ˈprū-d(ə)rē\ *n, pl* **-eries** (1709) 1: the characteristic quality or state of a prude 2: a prudish act or remark
pru-ish \ˈprū-dish\ *adj* (1717): marked by prudery: **PRIGGIN** — **pru-ish-ly** *adv* — **pru-ish-ness** *n*
pru-i-nose \ˈprū-nōs\ *adj* [*L* *pruinose* covered with hoarfrost: *pruina* hoarfrost — more at **FREEZE**] (ca. 1826): covered with white dust or bloom (the ~ stems)
1 **prune** \ˈprūn\ *n* [*ME*, fr. *AF*, *plum*, fr. *L* *prunum* — more at **PLUM**] (14c): a plum dried or capable of drying without fermentation
2 **prune** *vb* **pruned**; **prun-ing** [*ME* *prouynen*, prob. ultim. fr. *OF* *prunier*, alter. of **porroignier*, fr. *por-* completely (fr. *L* *pro-* + *roignier* to cut, *prune*, fr. *VL* **rotundare* to cut around, fr. *L* *rotundus* round — more at **PRO-**, **ROTUND**] *vt* (15c) 1: *a*: to reduce *esp*. by eliminating superfluous matter (*pruned* the text) (the budget) *b*: to remove or superfluous (to ~ away all ornamentation) 2: to cut off or cut back parts of for better shape or more fruitful growth (the branches) *vi*: to cut away what is unwanted or superfluous — **prun-er** *n*
pru-nel-la \ˈprū-nel-lə\ *also* **pru-nelle** \ˈnel\ *n* [*F* *prunelle*, lit., slope, dim. of *prune* plum] (1670) 1: a twilled woolen dress fabric 2: a heavy woolen fabric used for the uppers of shoes
pruning hook *n* (1611): a pole bearing a curved blade for pruning plants
pru-nus \ˈprū-nəs\ *n* [*NL*, fr. *L*, *plum* tree, fr. *Gk* *prounē*] (1839): a genus (*Prunus*) of drupaceous trees or shrubs of the rose family that have showy clusters of usu. white or pink flowers first appearing in the spring often before the leaves and including many grown for ornament or for their fruit (as the plum, cherry, or apricot)
pru-ri-ence \ˈprūr-ē-ən(t)s\ *n* (1781): the quality or state of being prurient
pru-ri-en-cy \-ən(t)-sē\ *n* (1795): **PRURIENCE**
pru-ri-ent \-ənt\ *adj* [*L* *prurient*, *pruriens*, pp. of *prurire* to itch, cognate with *L* *pruna* glowing color, *skt* *plagati* he sings, and prob. to *pruna* hoarfrost — more at **FREEZE**] (1592): marked by or arousing an immoderate or unwholesome interest or desire; *esp*: marked by arousing, or appealing to sexual desire — **pru-ri-ent-ly** *adv*
pru-ri-ge \ˈprūr-ij-ə\ *n* [*fr.* *prurire*] (1724) (ca. 1640): a chronic inflammatory skin disease marked by itching papules
pru-ri-tic \ˈprūr-ī-tik\ *adj* (1899): of, relating to, or marked by itching
pru-ri-tus \ˈprūr-ī-təs, -ˈrē-\ *n* [*L*, fr. *prurire*] (1653): **ITCH**
Prus-sian blue \ˈprō-shən-ˈblu\ [*Prussia*, Germany] (1724) 1: any of numerous blue iron pigments formerly regarded as ferric ferrocyanide 2: a dark blue crystalline hydrated ferric ferrocyanide $Fe_4(CN)_{12} \cdot xH_2O$ used as a test for ferric iron 3: a greenish blue
Prus-sian-ise *Brit* var of **PRUSSIANIZE**
Prus-sian-ism \ˈprō-shən-ˈniz-əm\ *n* (1856): the practices or policies (the advocacy of militarism) held to be typically Prussian
prus-sian-ize \ˈniz-ə\ *vt* -ized; -iz-ing *often* *cap* (1861): to make Prussian in character or principle (as in authoritarian control or rigid discipline) — **prus-sian-i-za-tion** \ˈzā-shən\ *n*
prus-sic acid \ˈprō-sik-ə\ *n* [*F* *prussique*, fr. (*bleu de*) *Prusse* Prussian blue] (1790): **HYDROCYANIC ACID**
pru-tah or **pru-ta** \ˈprū-tā\ *n, pl* **pru-toth** \-tōt, -tōth, -tōs\ or **pru-tē** \-tēt, -tēs\ [*Mod* *Heb* *perutah*, fr. *L* *Heb*, a small coin] (1949) 1: former monetary unit of Israel equivalent to 1/100 pound 2: a cent representing one prutah
1 **pry** \ˈprī\ *vi* **pried**; **pry-ing** [*ME* *prien*] (14c): to look closely or inquisitively; *also*: to make a nosy or presumptuous inquiry
2 **pry** *vt* **pried**; **pry-ing** [*prob.* back-formation fr. **prize*] (ca. 1806) 1: to raise, move, or pull apart with a lever: **PRIZE** 2: to extract, detach, or open with difficulty (*pried* the secret out of my sister)
3 **pry** *n* (1823) 1: a tool for prying 2: **LEVERAGE**
pry-er var of **PRYER**
pry-ing *adj* (1552): inquisitive in an annoying, officious, or meddling way **syn** see **CURIOS** — **pry-ing-ly** *adv*
Prze-wal-ski's horse \ˈpʒə-wāl-ski\ *n* [*Ni*-skolai M. *Przevalski* 1858 Russ. soldier & explorer] (1881): a small stocky bay- or dun-colored wild horse (*Equus caballus przewalskii* *syn.* *E. przewalskii*) of central Asia having a large head and short erect mane and now existing chiefly in captivity — called also **Prze-wal-ski horse** \-skē-
ps *abbr* picosecond
Ps or **Psa** *abbr* Psalms
Ps *abbr* 1 [*NL* *postscriptum*] postscript 2 power steering 3 public school



Przewalski's horse

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Notice of Appeal Filed August 25, 2006

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Client Reference No. LGG 0185 PUS

X. Related Proceedings Appendix

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